

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RASHEED X. JAMES,) 2:09cv1165
) Electronic Filing
Plaintiff,)
) Judge Cercone /
v.) Magistrate Judge Lenihan
)
D. M. CHAMBERLAIN,)
Superintendent,)
)
Defendant.)

MEMORANDUM ORDER

The above captioned case was initiated on August 28, 2009, by the filing of a Motion to Proceed In Forma Pauperis (Document No. 1) accompanied by a Complaint. The case was referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules.

The Magistrate Judge's Report and Recommendation (Document No. 12), filed on March 31, 2010, recommended that Defendant's Motion to Dismiss (Document No. 9) be granted. No objections have been filed. After a *de novo* review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

15th June
AND NOW, this 15th day of June, 2010;

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (Document No. 9) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Document No. 12) of Magistrate Judge Lenihan, dated March 31, 2010, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

Pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure if he so desires.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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